

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

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Kelly Marie Engebretson,) Case No. 14-cv-1435 (ADM-
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Plaintiff,)
)
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v.)
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)
Aitkin County, et al.)
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Defendants)
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STIPULATION

Plaintiff Kelly Marie Engebretson and subpoena respondent the Minnesota Department of Public Safety (“DPS”), stipulate as follows:

1. On March 20, 2015, Plaintiff served a subpoena on DPS requesting production of documents identifying persons (“John Does”) alleged by Plaintiff to have accessed Plaintiff’s driver’s license information through a search of DPS records between November 10 and November 17, 2010.
2. The parties thereafter met and conferred concerning certain objections made by DPS.
3. DPS takes the position that pursuant to Minn. Stat. § 13.15, information identifying the John Does is classified as non-public.
4. DPS also takes the position that pursuant to Minn. Stat. § 13.03, subd. 6, DPS is prohibited from disclosing data classified as non-public absent an order from a Court finding that the requesting party’s need for the information outweighs the privacy interest of the John Does identified in the data.

5. Plaintiff disagrees with DPS' interpretation of Minn. Stat. §§ 13.15 and 13.03, and takes the position that the Minnesota Government Data Practices Act (MGDPA) does not limit or restrict discovery in a federal court proceeding based on federal question jurisdiction, including this lawsuit, which is based in whole or part on the Driver's Privacy Protection Act (DPPA); but in the interests of resolving DPS' objection without the need for contested litigation, Plaintiff enters into this stipulation.

6. Pursuant to this stipulation, DPS takes no position on whether the information subpoenaed is discoverable and whether Plaintiff's need for subpoenaed information outweighs the identified John Does' privacy interest in the data. By this Stipulation, DPS states that it will not oppose the production of this information upon the Court's Order requiring it to be provided to Plaintiff.

7. Plaintiff and the DPS have approved a proposed Order in the following form:

- *Plaintiff has subpoenaed records sufficient to identify individuals who accessed her driver's license information through DPS records between November 10 and November 17, 2010.*
- *Pursuant to stipulation, DPS takes no position on whether the information subpoenaed is discoverable and whether Plaintiff's need for subpoenaed information outweighs the identified John Does' privacy interest in the data.*
- *The Court finds that information identifying individuals who accessed Plaintiff's driver's license information through DPS records between November 10 and November 17, 2010 is relevant and discoverable, and that Plaintiff's need for the information is greater than the privacy interests in the information.*

- *Both the Plaintiff and the DPS have consented to the entry of this Order based on their stipulation.*
- *IT IS THEREFORE ORDERED that within 14 days of entry of this Order, DPS shall produce records identifying the names of the individuals who searched Plaintiff's driver's license records, or where the individual's identity is not revealed by DPS records, as much information as is available about the individual or organization performing the search.*

Dated: May 8, 2015

COUNSEL FOR PLAINTIFF

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